

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gregory R. Hintermeister, et al.
Serial No.: 10/767,044
Filed: January 29, 2004
For: MULTI-IMAGE FILE APPARATUS AND METHOD
Group Art Unit: 2176
Confirmation No.: 4831

REPLY BRIEF IN SUPPORT OF APPEAL FROM
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Appellant(s) hereby submit a reply brief in support of its appeal to the Board of Appeals from the decision mailed March 6, 2007 finally rejecting claims 1-14, 16-26, 31 and 32.

Serial No.: 10/767,044
IBM Docket No.: ROC920030050US1

I. Group 1

The Examiner originally rejected claims 1, 7-11, and 13-21 under 35 U.S.C. § 102(b) as anticipated by Munro et al, US 2002/0089549, relying primarily on paragraph [0008] and paragraphs [0049]-[0050] when discussing the independent claims. *E.g., Office Action mailed 8/14/2006 at pgs. 4 and 13-14.* The Examiner now adds citations to paragraphs [0029]-[0035] to this list. *Examiner's Answer, pg. 5.* Appellant replies to respond to this new argument, and respectfully submits that the newly cited paragraphs also fail to teach or suggest the claimed multi-image files.

As Appellant explained in its main brief, Munro describes a browser plug-in that can display multiple bitmap images. Significantly, however, in order to display those images, the plug-in has to individually retrieve each image from the server. *E.g., Munro, ¶ [0008]* (distinguishing the prior art because “none of these applications allow for separate images, each image having an independent data file, to be concurrently displayed”); ¶ 0045 (explaining that “in this example, the multiple image viewer only had to download two data files”); and ¶ [0050] (stating that “the compressed images are stored in a file structure”)(emphasis added). Paragraphs [0029]-[0035] support this conclusion. More specifically, Munro teaches in paragraph [0029] that the viewer first downloads a standard HTML file that contains the locations (URLs) of other files or a XML file that describes the locations of other files in accordance with the PIXML specification. The referenced images, however, are contained in those other files.¹ In the claimed inventions, in contrast, the multiple, independent images are contained in a single, multi-image file. That is, one single multi-image file contains all of the individual images necessary to present the dynamic effect. *See claim 1* (“receiving a multi-image file, ***the multi-image file comprising a plurality of images*** adapted for cooperative display”); *claim 9* (“a multi-image file, ***the multi-image file comprising a plurality of images*** including a primary image and at least one secondary image adapted for cooperative display”); *claim 13* (“receiving a multi-image file, ***the multi-image file comprising a plurality of images***

¹ Despite its name, the <EMBED> tag does not actually ‘embed’ images into the file. Instead, the <EMBED> tag is a signal to invoke a browser plugin. The only required attribute for <EMBED> is SRC, the location of the plugin’s data file on the server.

including a primary image and at least one secondary image”); *and claim 16* (“receiving a multi-image file, *the multi-image file comprising a plurality of images* including a primary image and at least one secondary image”)(*emphasis added*). Paragraphs [0030]-[0035] teach a viewer that can simultaneously perform operations on more than one image at a time. Thus, like paragraph [0029], paragraphs [0030]-[0035] make clear that Munro only contemplates conventional, single-image files.

Tellingly, the Examiner paraphrases the claim language quoted above as “a multiple-image viewer supporting the display of multiple images.” *Examiner’s Answer at pg. 5, lines 1-2*. Appellant respectfully submits that this paraphrase does not accurately mirror the claim language. The Group 1 claims all require “a multi-image file,” *and not* just ‘multiple image files.’ That is, the mere capability to simultaneously display multiple images does not anticipate the claimed inventions. Instead, the present invention requires multiple, independent images in a single file. Or more specifically, the claims require a “multi-image file” that comprises “a plurality of images adapted for cooperative display.” In this way, a browser implementing the present invention receives all the images necessary to present a dynamic effect in one package.

Remarkably, the Examiner directly quotes Munro paragraph [0035] in boldface, which recites that “each displayed image has a separate and independent data file.” Appellant wholeheartedly agrees. The images in Munro are each stored in *separate, independent data files*, and not in the claimed *multi-image files*. As noted in Appellant’s original background section, an important advantage of the claimed multi-image files is that web developers no longer need to create, track, and maintain these hundreds of ‘separate and independent data files’ used in a modern dynamic web interface. *Application, pg. 2, lines 22-25*. Instead, they can use the claimed multi-image files.

II. Group 2

The Group 2 claims add that the secondary images in the multi-image file may be displayed together with the primary image or another secondary image to form a combined image, displayed individually in place of the primary image, or some combination thereof. That is, the primary image and secondary images in the multi-image file may be displayed together as

complementary layers, as alternative versions of the same image, or a combination of cooperative and alternative elements.

The Examiner relies on Munro, paragraph [0044] as teaching these elements. Again, however, Appellant respectfully submits that the Examiner is misreading the claim language. For example, claim 19 requires that “the primary image and the at least one secondary image [in the multi-image file] comprise complementary layers.” This is distinctly different than merely organizing many separate images into layers. As Appellant discussed in its original Application, many conventional web sites created dynamic effects created using separate and independent image files. *Background, pg. 2, lines 10-21; fig. 8a-8c*. What makes the claimed inventions unique, however, is that this effect can be created without having to create, track, maintain, and transmit hundreds or even thousands of separate image files. *Background, pg. 2, lines 21-23*. Nothing in Munro teaches or suggests such a technique.

III. Conclusion

For each of the foregoing reasons, Appellant submits that the Examiner's final rejections of claims 1-21 were erroneous, and respectfully requests reversal of these decisions.

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Respectfully submitted,

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